

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 13 Voluntary Petition
	:	
MICHELE MARINARI,	:	Case No.: 14-19066-jkf
a.k.a. MICHELLE FRANK	:	

**NOTICE OF MOTION, RESPONSE DEADLINE  
AND HEARING DATE**

Robert Morris, Esquire and Morris & Clemm, P.C., have filed with the Court a Motion to Quash Subpoena directed to the custodian of records Robert Morris, Esquire and Morris & Clemm, P.C.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)**

1. If you do not want the court to grant the relief sought in the motion or if you want the court to consider your views on the motion, then on or before September 17, 2015 you or your attorney must do all of the following.

a. File an answer explaining your position at

United States Bankruptcy Court  
Eastern District of Pennsylvania  
900 Market Street, Suite 400  
Philadelphia, PA 19107

If you mail your answer to the bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated above; and

b. Mail a copy to the movant's attorney:

Paul C. Troy, Esquire  
Kane, Pugh, Knoell, Troy & Kramer  
510 Swede Street  
Norristown, PA 19401  
(610) 275-2000 – Phone  
(610) 275-2018 – Fax

2. If you or your attorney do not take the steps described in paragraphs 1(a) and 1(b) above and attend the hearing, the court may enter an order granting the relief requested in the motion.

3. A hearing on the motion is scheduled to be held before the Honorable Jean K. FitzSimon on \_\_\_\_\_, in Courtroom Nix-3, United States Bankruptcy Court, 900 Market Street, Philadelphia, PA 19107. Unless the court orders otherwise, the hearing on this contested matter will be an evidentiary hearing at which witnesses may testify with respect to disputed material factual issues in the manner directed by Fed. R. Bankr. P. 9014(d).

4. If a copy of the motion is not enclosed, a copy of the motion will be provided to you if you request a copy from the attorney named in paragraph 1(b).

5. You may contact the Bankruptcy Clerk's office at (215) 408-2800 to find out whether the hearing has been canceled because no one filed an answer.

Date: August 28, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on the date below that this Notice of Motion was served via ECF

Filing and via first class mail upon:

Robert J. Murphy, Esquire  
Murphy Building  
2341 Pennsylvania Avenue  
Philadelphia, PA 19130

Michael A. Cataldo, Esq.  
1500 Walnut Street, Suite 900  
Philadelphia, PA 19102  
*Counsel for Michele Frank a/k/a Michele  
Marinari, Debtor*

**KANE, PUGH, KNOELL, TROY & KRAMER, LLC**

BY: /S/Paul C. Troy  
PAUL C. TROY, ESQUIRE  
Attorney I.D. No. 60875  
510 Swede Street, Norristown, PA 19401  
(610) 275-2000  
Attorney for Robert Morris, Esquire, and  
Morris & Clemm, P.C.

Dated: August 28, 2015

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	Chapter 13 Voluntary Petition
	:	
MICHELE MARINARI,	:	Case No.: 14-19066-jkf
a.k.a. MICHELLE FRANK	:	

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, upon consideration of the Motion of Robert Morris, Esquire and Morris & Clemm, P.C., to Quash the Subpoena served by Robert J. Murphy, and any response thereto:

It is hereby **ORDERED** and **DECREED** that said Motion is **GRANTED** and the Subpoena is **QUASHED**. The custodian of the records, in consideration of the Motion of Robert Morris, Esquire and Morris & Clemm, P.C., shall not be required to produce any documentation set forth in the Subpoena.

**BY THE COURT:**

\_\_\_\_\_  
J.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: : Chapter 13 Voluntary Petition  
: :  
MICHELE MARINARI, : Case No.: 14-19066-jkf  
a.k.a. MICHELLE FRANK :

**ROBERT MORRIS, ESQUIRE AND MORRIS & CLEMM, P.C.'S**  
**MOTION TO QUASH SUBPOENA**

Robert Morris, Esquire and Morris & Clemm, P.C., (“Movants”) by and through their attorneys, Kane, Pugh, Knoell, Troy & Kramer, LLP, hereby file this Motion to Quash Subpoena and assert the following.

1. On August 26, 2015, Robert Morris, Esquire received a Subpoena to Produce Documents, Information, or Objects from Robert J. Murphy, a true and correct copy of which is attached hereto as Exhibit “A.”

2. Neither Robert Morris, Esquire nor Morris & Clemm, P.C. are parties to this bankruptcy action.

3. The Subpoena must be quashed for failure to comply with the applicable Federal Rules of Civil Procedure and for seeking documents protected from disclosure.

4. Pursuant to Rule 45(d)(3) of the Federal Rules of Civil Procedure, a subpoena *must* be quashed if it “fails to allow a reasonable time to comply.” *See* Fed. R.C.P. 45 (d)(3)(A)(i).

5. Here, the Subpoena was served on August 26, 2015, but requires production of the documents by August 31, 2015. *See* Ex. A.

6. This five day period is not a “reasonable time” in which to comply with the Subpoena, and as such, it must be quashed.

7. Additionally, the Subpoena contains no certificate of service for Michele Marinari, as required by Rule 45(a)(4) of the Federal Rules of Civil Procedure.

8. As such, the Subpoena must be quashed for failure to notify each party *before* serving the person to whom it is directed. *See* Fed. R.C.P. 45(a)(4).

9. In addition to these procedural defects, the Subpoena must be quashed for the following reasons.

10. Robert Murphy is the Plaintiff in a civil action against Defendants Michele Marinari, Robert Morris, Esquire and Morris & Clemm, P.C, among others.

11. That state court action was instituted on October 15, 2013, in the Court of Common Pleas of Delaware County and docketed at No. 2013-10207. A true and correct copy of the docket in that case is attached hereto as Exhibit "B".

12. The purported causes of action in that case stem from two prior Delaware County cases.

13. In the first case, Delaware County No. 2004-014217, Robert Murphy obtained a judgment against Michele Marinari.

14. In the second case, Delaware County No. 2009-005606, Michele Marinari brought a legal malpractice action against the attorney who represented her in the first case.

15. Robert Morris, Esquire represented Michele Marinari in that legal malpractice action.

16. Upon the settlement of that action, and after disbursement of the settlement proceeds, Robert Murphy attempted to garnish those proceeds in order to satisfy the judgment he previously obtained against her.

17. Robert Murphy's efforts to recover that judgment were untimely, improper, and unsuccessful.

18. Based on his failed efforts to properly pursue garnishment in that action, Robert Murphy then brought the 2013 civil action against Robert Morris, Esquire, alleging various claims under the Pennsylvania Uniform Fraudulent Transfer Act, 12 Pa. C.S. A. 5101, *et seq.*, in an improper effort to recover Marinari's outstanding debt from her former counsel.

19. That case is currently stayed, by virtue of this bankruptcy action. *See* a true and correct copy of the January 28, 2015 Order granting the automatic stay, attached hereto as Exhibit "C."

20. The Subpoena at issue directs the custodian of records for Robert Morris and Morris & Clemm, P.C. to produce documentation from the prior legal malpractice action in which Marinari was the plaintiff. *See* Ex. A.

21. Robert Murphy has sought the same documents in the currently stayed action. A true and correct copy of those discovery requests is attached hereto as Exhibit "D."

22. Robert Morris, Esquire and Morris & Clemm, P.C objected to the production of those documents. A true and correct copy of those objections is attached hereto as Exhibit "E."

23. The documents and material sought are protected by attorney-client privilege and the work product doctrine. *See* Ex. E.

24. The Subpoena issued in this bankruptcy action seeks the same protected material, specifically: "records, agreements, contracts, settlements, non-disclosure agreements, transfers, debts incurred, payments, settlement distributions, costs and expenses" in connection with the malpractice action, No. 2009-005606. *See* Ex. A.

25. This is an explicit request for Movant's client file for Marinari's prior case.

26. The production of these documents would, therefore, require the disclosure of information protected from discovery by the attorney-client privilege and the work product doctrine, and therefore Movant objects to the Subpoena.

27. Moreover, as Robert Morris, Esquire and Morris & Clemm, P.C are not involved in the current action before this Honorable Court, it is believed and averred that Mr. Murphy is attempting to use discovery in this action to gather information related to the matter currently stayed in the Delaware Court of Common Pleas.

28. Prior to the automatic stay, discovery had been exchanged with the exception of the privileged material, to which Movant filed for protective orders.

29. Before all outstanding issues were resolved, it was Robert Murphy who filed a Motion for Stay, requesting that the Delaware County Court stay all proceedings and discovery due to Marinari's bankruptcy case. A true and correct copy of that motion is attached hereto as Exhibit "F."

30. As those issues have not yet been resolved, and because the attorney-client privilege has not been waived as to the documents currently sought by Mr. Murphy, the Subpoena must be quashed.

31. Furthermore, Movant's client file has no relevance to this bankruptcy case, and would only be potentially relevant in the currently stayed action in Delaware County.

32. This is true despite the fact that Robert Murphy has filed an adversary action in this bankruptcy matter, as his action is solely concerned with the prior action in which he obtained a judgment against Marinari. A true and correct copy of Mr. Murphy's adversarial filing is attached hereto as Exhibit "G."

33. That action is only concerned with Mr. Murphy's objections to Marinari's discharge of that judgment, and indeed only discusses the 2004-014217 case. *See* Ex. G.

34. There is no mention of the 2009-005606 legal malpractice action, Robert Morris, Esquire or Morris & Clemm, P.C. *See id.*

35. Therefore, the production of the privileged documents currently sought in the Subpoena would have no relevance to the current bankruptcy action, and as such, the Subpoena must be quashed.

**WHEREFORE**, Robert Morris, Esquire and Morris & Clemm, P.C., respectfully request that this Honorable Court grant their Motion to Quash Subpoena and enter the attached Order.

Respectfully Submitted,

**KANE, PUGH, KNOELL, TROY & KRAMER, LLC**

BY: /S/Paul C. Troy

PAUL C. TROY, ESQUIRE

Attorney I.D. No. 60875

510 Swede Street, Norristown, PA 19401

(610) 275-2000

Attorney for Robert Morris, Esquire, and  
Morris & Clemm, P.C.

Dated: August 28, 2015



**CERTIFICATE OF SERVICE**

I hereby certify that on the date below, Robert Morris, Esquire and Morris & Clemm, P.C.'s Motion to Quash Subpoena was served via ECF Filing and via first class mail upon:

Robert J. Murphy, Esquire  
Murphy Building  
2341 Pennsylvania Avenue  
Philadelphia, PA 19130

Michael A. Cataldo, Esq.  
1500 Walnut Street, Suite 900  
Philadelphia, PA 19102  
*Counsel for Michele Frank a/k/a Michele  
Marinari, Debtor*

**KANE, PUGH, KNOELL, TROY & KRAMER, LLC**

BY: /S/Paul C. Troy

PAUL C. TROY, ESQUIRE  
Attorney I.D. No. 60875  
510 Swede Street, Norristown, PA 19401  
(610) 275-2000  
Attorney for Robert Morris, Esquire, and  
Morris & Clemm, P.C.

Dated: August 28, 2015

**CERTIFICATE OF REASONABLE EFFORT**

I hereby certify that on August 28, 2015, undersigned counsel or an associate thereof attempted to resolve this dispute with Mr. Murphy, but after reasonable effort was unable to do so.

**KANE, PUGH, KNOELL, TROY & KRAMER, LLC**

BY: /S/Paul C. Troy

PAUL C. TROY, ESQUIRE

Attorney I.D. No. 60875

510 Swede Street, Norristown, PA 19401

(610) 275-2000

Attorney for Robert Morris, Esquire, and  
Morris & Clemm, P.C.

Dated: August 28, 2015

# **EXHIBIT “A”**

B257 (Form 257 - Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case or Adversary Proceeding) (12/13)

UNITED STATES BANKRUPTCY COURT

EASTERN

District of Pennsylvania

In re Michele Marinari  
Debtor

Case No. 2:14-BK-19066-JKF

Chapter 13

(Complete if issued in an adversary proceeding)

Robert Murphy  
Plaintiff

Adv. Proc. No. 15-00124-JKF

Michele Marinari  
Defendant

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Custodian of Records - Robert Morris, MORRIS & Clemm, P.C.  
(Name of person to whom the subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Records, Agreements, Contracts, Settlements, Non-disclosure Agreements, Transfers, Debts Incurred, Payments, Settlement Distributions, Costs & Expenses in the action captioned Marinari v. Frank Williams, et al., Delaware County Court of Common Pleas 2009-005606

PLACE 7 COOPERTOWN ROAD  
HAVERFORD, Pa 19041

DATE AND TIME  
8/31/15 12:00 p.m.

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE

DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 8/26/15

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party)

Robert Murphy, who issues or requests this subpoena, are: RMurphy1@aol.com (561)  
Robert Murphy, Pro Se, 287 Brazilian Ave, Palm Beach, FL 33480 818-0215

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

# **EXHIBIT “B”**



# Delaware County, Pennsylvania

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## Case Information

Date: August 28, 2015 2:33:32 PM EDT








Case Filing Date	Case Number	Case Type
10/15/2013	2013-010207	Intentional Tort

## Litigant(s) Information

Party Name	Attorney(s)	Party Role	Address	Case Filing Date
MURPHY, ROBERT J	MURPHY, ROBERT J	Plaintiff		10/15/2013
FRANK /AKA, MICHELE		Defendant	19 HOMESTEAD LANE ROYERSFORD PENNSYLVANIA 19468	10/15/2013
MARINARI, MICHELE		Defendant	19 HOMESTEAD LANE ROYERSFORD PENNSYLVANIA 19468	10/15/2013
MORRIS AND CLEMM, P.C.		Defendant	527 PLYMOUTH ROAD SUITE 416 PLYMOUTH MEETING PENNSYLVANIA 19462	10/15/2013
MORRIS ESQ, ROBERT	TROY , PAUL C	Defendant	527 PLYMOUTH RD SUITE 416 PLYMOUTH MEETING PENNSYLVANIA 19462	10/15/2013
O'DONNELL, HAGNER & WILLIAMS P.C.		Defendant	211 WEST LANCASTER AVENUE PAOLI PENNSYLVANIA 19301	10/15/2013
WESTPORT INSURANCE COMPANY	LEWIS , JEFFREY P	Defendant	5200 METCALF AVE MISSION KANSAS 66202	10/15/2013
WILLIAMS ESQ, FRANK	LEWIS , JEFFREY P	Defendant	211 W LANCASTER AVE PAOLI PENNSYLVANIA 19301	10/15/2013



















## Docket Information















Description	Comments	Filing Attorney	Event Filing Date	Event Filing Time	View Image
Entry of Appearance	FOR ROBERT J MURPHY, ESQ ATTY FOR PLAINTIFF		10/15/2013	02:44:25 PM	
Case Initiated - Complaint			10/15/2013	02:51:23 PM	View Image
Case Initiated - Complaint		MURPHY, ROBERT J	10/15/2013	02:51:23 PM	View Image
Receivable Created For \$257.50			10/15/2013	02:51:23 PM	
Receipt# 041895 generated for the amount of \$ 257.50			10/15/2013	02:54:00 PM	
Praeipce	PRAEIPCE TO FILE RETURNS OF SERVICE	MURPHY, ROBERT J	10/22/2013	11:16:18 AM	View Image
Praeipce	PRAEIPCE TO FILE RETURNS OF SERVICE	MURPHY, ROBERT J	10/22/2013	11:17:15 AM	View Image
Preliminary Objections	DEFENDANTS FRANK WILLIAMS, ESQ., O'DONNELL, HAGNER & WILLIAMS, P.C., AND WESTPORT INSURANCE COMPANY'S PRELIMINARY OBJECTIONS TO PLAINTIFF'S COMPLAINT		11/13/2013	11:26:11 AM	View Image
Praeipce for Appearance	JEFFREY P. LEWIS IS THE ATTORNEY FOR THE DEFENDANTS WESTPORT INSURANCE COMPANY, FRANK WILLIAMS, ESQ AND O'DONNELL , HAGNER & WILLIAMS, P.C.		11/13/2013	11:27:24 AM	View Image

Receipt# 045924 generated for the amount of \$ 50.00			11/13/2013 03:18:50 PM	Image
Receipt# 045928 generated for the amount of \$ 50.00			11/13/2013 03:22:08 PM	
Amended Complaint			11/26/2013 02:36:27 PM	 View Image
Response	PLAINTIFFS RESPONSE TO PRELIMINARY OBJECTIONS OF DEFENDANTS FRANK WILLIAMS, ESQUIRE, O'DONNELL HAGNER & WILLIAMS, P.C. AND WESTPORT INSURANCE COMPANY PURSUANT TO PA.R.C.P. 1026 AND PA.R.C.P. 1028 AND LOCAL RULE 1028 (C) AND APPLICABLE LAW		11/26/2013 02:36:32 PM	 View Image
Preliminary Objections	DEFENDANTS FRANK WILLIAMS, ESQ., O'DONNELL, HAGNER & WILLIAMS, P.C., AND WESTPORT INSURANCE COMPANY'S PRELIMINARY OBJECTIONS TO PLAINTIFF'S AMENDED COMPLAINT		01/14/2014 11:27:00 AM	 View Image
Receipt# 053681 generated for the amount of \$ 50.00			01/14/2014 01:16:49 PM	
Praeipce to Reinstate Complaint			01/16/2014 02:46:53 PM	 View Image
Receipt# 054099 generated for the amount of \$ 10.00			01/16/2014 02:47:00 PM	
Response	PLAINTIFFS RESPONSE TO PRELIMINARY OBJECTIONS OF DEFENDANTS FRANK WILLIAMS, ESQUIRE, O'DONNELL HAGNER & WILLIAMS, P.C. AND WESTPORT INSURANCE COMPANY TO PLAINTIFFS AMENDED COMPLAINT PURSUANT TO PA. R.C.P. 1017, 1024, 1026, AND PA. R.C.P. 1028 AND LOCAL RULE 1028 (C) AND APPLICABLE LAW		01/31/2014 03:22:47 PM	 View Image
Reply	REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF DEFENDANTS FRANK WILLIAMS, ESQ., O'DONNELL, HAGNER & WILLIAMS, P.C., AND WESTPORT INSURANCE COMPANY'S PRELIMINARY OBJECTIONS TO PLAINTIFF'S AMENDED COMPLAINT		02/18/2014 11:30:09 AM	 View Image
Preliminary Objections			02/18/2014 12:41:20 AM	 View Image
Praeipce for Appearance	OF PAUL C TROY ATTY FOR DEFENDANTS ROBERT MORRIS ESQ AND MORRIS & CLEMM PC		02/18/2014 12:46:04 AM	
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Receipt# 057840 generated for the amount of \$ 50.00			02/18/2014 12:48:52 AM	
Praeipce	PRAEIPCE TO APPEND VERIFICATION	LEWIS , JEFFREY P	02/18/2014 01:24:08 PM	 View Image
Preliminary Objections			03/10/2014 03:49:58 PM	 View Image
Receipt# 060764 generated for the amount of \$ 50.00			03/10/2014 03:54:13 PM	
Praeipce	PRAEIPCE TO FILE PLAINTIFF'S AMENDED CERTIFICATE OF SERVICE		03/13/2014 11:05:13 AM	 View Image
Jury Trial Demanded		TROY , PAUL C	03/20/2014 11:36:29 AM	 View Image
Receipt# 062260 generated for the amount of \$ 50.00			03/20/2014 01:10:45 PM	
Preliminary Objections	PLAINTIFFS SUR-REPLY MEMORANDUM CONTRA THE REPLY MEMORANDUM AND PRAEIPCE TO APPEND AFFIDAVIT TO PRELIMINARY OBJECTIONS AND PRELIMINARY OBJECTIONS OF FRANK WILLIAMS, O'DONNELL HAGNER & WILLIAMS, P.C. AND WESTPORT COMPANY'S TO PLAINTIFF'S AMENDED COMPLAINT		03/20/2014 01:16:42 PM	 View Image
Praeipce	PRAEIPCE TO FILE RETURNS OF SERVICE		03/20/2014 01:24:15	

			PM	<a href="#">View Image</a>
Praeipce	PRAEIPCE TO APPEND VERIFICATION		03/21/2014 11:52:47 AM	<a href="#">View Image</a>
Answer	DEFENDANTS ROBERT MORRIS, ESQUIRE, AND MORRIS & CLEMM, P.C.'S ANSWER TO PLAINTIFFS' PRELIMINARY OBJECTIONS TO DEFENDANTS' PRELIMINARY OBJECTIONS TO PLAINTIFFS' AMENDED COMPLAINT		03/28/2014 02:11:35 PM	<a href="#">View Image</a>
Memorandum of Law	FURTHER REPLY MEMORANDUM OF LAW IN FURTHER SUPPORT OF DEFENDANTS FRANK WILLIAMS, ESQUIRE, O'DONNELL, HAGNER & WILLIAMS, P.C., AND WESTPORT INSURANCE COMPANY'S PRELIMINARY OBJECTIONS TO PLAINTIFFS' AMENDED COMPLAINT		04/01/2014 11:02:09 AM	<a href="#">View Image</a>
Praeipce	PRAEIPCE TO APPEND VERIFICATION	TROY, PAUL C	04/07/2014 12:13:31 AM	<a href="#">View Image</a>
Reply	ROBERT MURPHY'S REPLY MEMORANDUM CONTRA DEFENDANTS', ROBERT MORRIS AND MORRIS AND CLEMM, P.C.'S, ANSWER TO PLAINTIFFS' PRELIMINARY OBJECTIONS TO ROBERT MORRIS AND MORRIS AND CLEMM, P.C.'S PRELIMINARY OBJECTIONS TO PLAINTIFFS' AMENDED COMPLAINT		04/10/2014 02:01:31 PM	<a href="#">View Image</a>
Motion for Protective Order	DEFENDANTS ROBERT MORRIS, ESQUIRE AND MORRIS & CLEMM, P.C.'S MOTION FOR PROTECTIVE ORDER		04/16/2014 11:54:21 AM	<a href="#">View Image</a>
Motion for ALTERNATE SERVICE	PLAINTIFFS MOTION TO SUBSTITUTE SERVICE OF PROCESS ON DEFENDANT MICHELLE MARINARI PURSUANT TO P.A.R.C.P. 430 AND APPLICABLE LAW		04/25/2014 11:58:23 AM	<a href="#">View Image</a>
Receipt# 067406 generated for the amount of \$ 25.00			04/25/2014 11:58:33 AM	
Motion for Protective Order	DEFENDANTS ROBERT MORRIS, ESQUIRE AND MORRIS & CLEMM, P.C.'S MOTION FOR PROTECTIVE ORDER		04/29/2014 10:50:38 AM	<a href="#">View Image</a>
Sur Reply	DEFENDANTS ROBERT MORRIS, ESQUIRE, AND MORRIS & CLEMM, P.C.'S P.C.'S SUR RELY BRIEF IN OPPOSITION TO PLAINTIFFS' PRELIMINARY OBJECTIONS TO DEFENDANTS' PRELIMINARY OBJECTIONS TO PLAINTIFFS' AMENDED COMPLAINT		05/05/2014 11:34:09 AM	<a href="#">View Image</a>
Response	PLAINTIFFS' RESPONSE AND OBJECTIONS TO THE MOTION FOR PROTECTIVE ORDER BY DEFENDANTS' ROBERT MORRIS AND MORRIS & CLEMM, P.C.		05/19/2014 01:17:52 PM	<a href="#">View Image</a>
Supplemental	PLAINTIFFS' SUPPLEMENTAL MEMORANDUM SUR PLAINTIFFS' PENDING PRELIMINARY OBJECTIONS TO DEFENDANTS' ROBERT MORRIS, ESQUIRE AND MORRIS & CLEMM, P.C. {HEREINAFTER MORRIS DEFENDANTS} SUR-REPLY BRIEF IN OPPOSITION TO PLAINTIFFS' PRELIMINARY OBJECTIONS TO MORRIS DEFENDANTS' PRELIMINARY OBJECTIONS TO PLAINTIFFS' AMENDED COMPLAINT		05/19/2014 01:18:46 PM	<a href="#">View Image</a>
OJS 236 Notice of Order	236 N/S 06/05/2014	TROY, PAUL C	06/03/2014 01:28:00 PM	<a href="#">View Image</a>
OJS 236 Notice of Order	236 N/S 06/05/2014	LEWIS, JEFFREY P	06/03/2014 01:28:00 PM	<a href="#">View Image</a>
OJS 236 Notice of Order	236 N/S 06/05/2014	MURPHY, ROBERT J	06/03/2014 01:28:00 PM	<a href="#">View Image</a>
Order Denying Petition to Allow Service	(DURHAM, J. 06/03/2014)		06/03/2014 01:28:00 PM	<a href="#">View Image</a>
Praeipce to Reinstate Complaint			06/10/2014 01:36:44 PM	<a href="#">View Image</a>
Receipt# 073371 generated for the amount of \$ 10.00			06/10/2014 01:39:29 PM	
Mail returned-USPS			06/16/2014 01:10:52 PM	<a href="#">View Image</a>
OJS 236 Notice of Order		MURPHY, ROBERT J	07/11/2014 11:26:48 AM	<a href="#">View Image</a>


















OJS 236 Notice of Order		LEWIS , JEFFREY P	07/11/2014 11:26:48 AM	 View Image
OJS 236 Notice of Order		TROY , PAUL C	07/11/2014 11:26:48 AM	 View Image
Order Overruling Preliminary Objections	236 N/S 07/14/2014 (JUDGE PROUD) 3 ORDERS		07/11/2014 01:51:44 PM	 View Image
Order Denying Petition for Preliminary Injunction	236 N/S 07/14/2014 (JUDGE PROUD) 3 ORDERS		07/11/2014 01:52:18 PM	 View Image
Order Overruling Preliminary Objections	236 N/S 07/14/2014 (JUDGE PROUD)		07/11/2014 01:53:23 PM	 View Image
Sheriff's Service Process Receipt, and Affidavit of Return	MICHELE MARINARI NOT SERVED 7.7.2014 \$50.50		07/24/2014 11:09:43 AM	 View Image
Motion for Alternate Service			07/28/2014 03:14:36 PM	 View Image
Receivable 157255 Waived For \$18.52			07/28/2014 03:17:26 PM	
Receipt# 080013 generated for the amount of \$ 25.00			07/28/2014 03:18:36 PM	
Answer and New Matter	DEFENDANTS ROBERT MORRIS ESQ AND MORRIS & CLEMM P.C.'S ANSWER WITH NEW MATTER TO PLAINTIFF'S AMENDED COMPLAINT		07/30/2014 12:27:29 AM	 View Image
Answer and Counterclaim/Cross Claim	ANSWER NEW MATTER AND CROSS-CLAIM OF DEFENDANTS FRANK WILLIAMS ESQUIRE O'DONNELL HAGNER AND WILLIAMS P.C. AND WESPORT INSURANCE CO. TO PLAINTIFF'S AMENDED COMPLAINT		07/30/2014 02:47:30 PM	 View Image
Receipt# 080539 generated for the amount of \$ 50.00			07/30/2014 03:02:59 PM	
Response	RESPONSE OF DEFENDANTS FRANK WILLIAMS,ESQ, O'DONNELL, HAGNER & WILLIAMS P.C. AND WESTPORT INSURANCE COMPANY, TO PLAINTIFF'S SUPPLEMENTAL MOTION TO SUBSTITUTE SERVICE OF PROCESS ON DEFENDANT, MICHAEL MARINARI, PURSUANT TO PA R.C.P. 430 AND APPLICABLE LAW		08/05/2014 02:51:11 PM	 View Image
Reply	PLAINTIFFS REPLY TO DEFENDANTS FRANK WILLIAMS ESQ , O'DONNELL, HAGNER AND WILLIAMS PC AND WEST PORT INSURANCE COMPANYS ANSWER CONTAINING NEW MATTER AND CROSS CLAIM		08/08/2014 12:05:29 AM	 View Image
Plaintiff's Reply to New Matters			08/08/2014 12:06:46 AM	 View Image
Answer	ANSWER OF DEFENDANTS ROBERT MORIS, ESQUIRE, AND MORRIS & CLEMM, P.C.'S ANSWER TO PLAINTIFF'S SUPPLEMENTAL MOTION TO SUBSTITUTE SERVICE OF PRECESS ON DEFENDANT, MICHELE MARINARI, PURSUANT TO PA.R.C.P. 430, AND APPLICABLE LAW		08/14/2014 11:26:27 AM	 View Image
Trial Assignment and Case Management Order Filed	TRIAL IS SCHEDULED FOR THIS COURT'S FOUR (4) WEEK TRIAL TERM COMMENCING JANUARY 5, 2015 (GREEN, J. 8-22-14) 236 N/S 8-28-14		08/23/2014 06:32:53 AM	 View Image
OJS 236 Notice of Order			08/28/2014 08:58:40 AM	 View Image
OJS 236 Notice of Order		TROY , PAUL C	08/28/2014 08:58:40 AM	 View Image
OJS 236 Notice of Order		LEWIS , JEFFREY P	08/28/2014 08:58:40 AM	 View Image
OJS 236 Notice of Order		MURPHY, ROBERT J	08/28/2014 08:58:40 AM	 View Image

OJS 236 Notice of Order		LEWIS , JEFFREY P	08/28/2014 09:14:46 AM	 View Image
OJS 236 Notice of Order			08/28/2014 09:14:46 AM	 View Image
OJS 236 Notice of Order		TROY , PAUL C	08/28/2014 09:14:46 AM	 View Image
OJS 236 Notice of Order		MURPHY, ROBERT J	08/28/2014 09:14:46 AM	 View Image
Order Granting Petition to Allow Service	(DURHAM, J. 8/27/14) 236 N/S 9/2/14		08/28/2014 09:14:46 AM	 View Image
Sheriff's Service Process Receipt, and Affidavit of Return	MICHELE MARINARI NOT SERVED 8.14.14 \$50.50		09/15/2014 01:37:28 PM	 View Image
Praecipe to Reinstate Complaint			09/25/2014 01:33:26 PM	
Praecipe to Reinstate Complaint			09/25/2014 01:40:12 PM	
Receivable 164303 Waived For \$9.26			09/25/2014 01:48:55 PM	
Receivable 193492 Waived For \$10.00			09/29/2014 10:31:03 AM	
Receivable 171876 Waived For \$5.55			09/29/2014 10:32:15 AM	
Receivable 180970 Waived For \$16.67			09/29/2014 10:41:41 AM	
Receipt# 089256 generated for the amount of \$ 10.00			09/29/2014 10:54:24 AM	
Motion for Sanctions	PLAINTIFF ROBERT MURPHYS MOTION FOR SANCTIONS TO COMPEL DEFENDANTS ROBERT MORRIS, MORRIS & CLEMM PC, FRANK WILLIAMS, O'DONNELL, HAGNER AND WILLIAMS PC AND WESTPOST INSURANCE COMPANY TO ANSWER INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS		10/03/2014 03:59:43 PM	 View Image
Receipt# 090138 generated for the amount of \$ 25.00			10/03/2014 03:59:55 PM	
Sheriff's Service Process Receipt, and Affidavit of Return	MICHELE MARINARI SERVED BY POSTING 10.1.14 \$50.50		10/07/2014 09:25:06 AM	 View Image
Sheriff's Service Process Receipt, and Affidavit of Return	MICHELLE FRANK SERVED 10.9.2014 \$50.50		10/21/2014 12:22:27 AM	 View Image
Opposition			10/23/2014 02:57:06 PM	 View Image
Answer	DEFENDANT ROBERT MORRIS, ESQUIRE AND MORRIS & CLEMM, P.C.'S ANSWER TO PLAINTIFF'S MOTION FOR SANCTIONS TO COMPEL DEFENDANTS' ANSWERS TO PLAINTIFF'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS AND EXTEND THE DISCOVERY DEADLINE		10/24/2014 11:30:47 AM	 View Image
Motion for Protective Order	DEFENDANTS ROBERT MORRIS, ESQUIRE AND MORRIS & CLEMM, P.C.'S MOTION FOR PROTECTIVE ORDER. WITH MEMORANDUM OF LAW		10/31/2014 11:16:30 AM	 View Image
Reply	PLAINTIFF'S REPLY BRIEF SUR PLAINTIFF'S MOTION FOR SANCTIONS TO TO COMPEL DEFENDANTS, ROBERT MORRIS AND MORRIS & CLEMM, P.C., TO FILE FULL AND COMPLETE ANSWERS TO PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS AND EXTEND THE DISCOVERY DEADLINE PURSUANT TO A;;OCABLE LAW AND RULES		11/03/2014 11:10:50 AM	 View Image
Reply	PLAINTIFF'S REPLY BRIEF SUR PLAINTIFF'S MOTION FOR SANCTIONS TO COMPEL DEFENDANTS, ROBERT MORRIS AND MORRIS & CLEMM, P.C., TO FILE FULL AND COMPLETE ANSWERS TO PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF		11/03/2014 02:54:44 PM	 View

DOCUMENTS AND EXTEND THE DISCOVERY DEADLINE PURSUANT TO APPLICABLE LAW AND RULES

Image

Judgment Entered Against	MICHELE FRANK		11/12/2014 10:45:19 AM	
Judgment Entered Against	MICHELE MARINARI		11/12/2014 10:45:26 AM	
OJS 236 Notice of Judgment		MURPHY, ROBERT J	11/12/2014 10:45:40 AM	 View Image
OJS 236 Notice of Judgment			11/12/2014 10:45:40 AM	 View Image
Default Judgment	ENTERED AGAINST DEFENDANT MICHELE FRANK AKA MICHELE MARIANARI FOR FAILURE TO FILE AN ANSWER.		11/12/2014 10:45:40 AM	 View Image
Receipt# 095716 generated for the amount of \$ 17.50			11/12/2014 10:48:20 AM	
Response	PLAINTIFFS RESPONSE AND OBJECTIONS TO THE MOTION FOR PROTECTIVE ORDER FILED OCTOBER 31, 2014 BY DEFENDANTS' ROBERT MORRIS AND MORRIS & CLEMM, P.C. WITH MEMORANDUM OF LAW		11/19/2014 11:13:26 AM	 View Image
Memorandum of Law	ROBERT MORRIS, ESQUIRE AND MORRIS & CLEMM, P.C.'S MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS MOTION FOR SANCTIONS TO COMPEL DEFENDANTS' ANSWERS TO PLAINTIFFS INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS AND EXTEND THE DISCOVERY DEADLINE		11/20/2014 10:49:34 AM	 View Image
Motion for Sanctions	PLAINTIFFS MOTION FOR SANCTIONS TO COMPEL DEFENDANTS FRANK WILLIAMS, O'DONNELL HAGNER & WILLIAMS P.C. AND WESTPORT INSURANCE COMPANY TO APPEAR FOR THEIR PRE-TRIAL DEPOSITIONS AND IDENTIFY AND PRODUCE RECORDS PURSUANT TO APPLICABLE LAW INCLUDING P.A.R.C.P. 4019		11/21/2014 01:03:26 PM	 View Image
Receipt# 097326 generated for the amount of \$ 25.00			11/21/2014 01:04:59 PM	
Mail returned-USPS			11/23/2014 11:34:33 AM	 View Image
Receipt# 097634 generated for the amount of \$ 50.00			11/24/2014 03:04:12 PM	
Motion for Summary Judgment	WITH ATTACHED LETTERS OF DECEMBER 2, 2014 AND NOVEMBER 19, 2014 CONFIRMING THAT OJS RECEIVED MOTION ORIGINALLY ON 11/21/14, BUT ERRONEOUSLY RETURNED.		11/24/2014 03:11:44 PM	 View Image
Praecipe with Fee	PRAECIPE FOR ORAL ARGUMENT		12/01/2014 02:15:48 PM	 View Image
Receipt# 098240 generated for the amount of \$ 10.00			12/01/2014 03:39:22 PM	
Pre-Trial Statement	DEFENDANTS PRE-TRIAL STATEMENT		12/05/2014 11:25:15 AM	 View Image
Pre-Trial Statement	DEFENDANTS		12/08/2014 02:33:57 PM	 View Image
Opposition	FRANK WILLIAMS, ESQUIRE, O'DONNELL, HAGNER AND WILLIAMS, P.C., AND WESTPORT INSURANCE COMPANY, PARTIAL OPPOSITION TO PLAINTIFF, ROBERT MURPHY'S, MOTION FOR SANCTIONS TO COMPEL DEFENDANTS, FRANK WILLIAMS, O'DONNELL, HAGNER AND WILLIAMS, P.C AND WESTPORT INSURANCE COMPANY, TO APPEAR FOR THEIR PRE-TRIAL DEPOSITIONS AND IDENTIFY AND PRODUCE RECORDS PURSUANT TO APPLICABLE LAW INCLUDING P.A.R.C.P. 4019		12/11/2014 04:06:29 PM	 View Image
Praecipe	PRAECIPE TO APPEND CORRECTED CERTIFICATE OF SERVICE	LEWIS, JEFFREY P	12/15/2014 12:15:51 AM	 View Image
Answer	PLAINTIFFS ANSWER AND OBJECTIONS TO THE MOTION FOR SUMMARY JUDGMENT OF DEFENDANTS' ROBERT MORRIS AND MORRIS AND CLEMM, P.C. FILED CONTRARY TO THE COURT'S PRIOR ORDERS AND APPLICABLE LAW INCLUDING P.A.R.C.P. 1035.4 WITH MEMORANDUM OF LAW		12/16/2014 03:20:47 PM	 View Image
Certification	OF MAILING		12/18/2014 12:10:55 AM	

Plaintiff's Pretrial Statement			12/22/2014 10:53:51 AM	 View Image
Motion for Continuance	PLAINTIFFS MOTION FOR CONTINUANCE		12/22/2014 10:53:53 AM	 View Image
OJS 236 Notice of Order		LEWIS , JEFFREY P	12/23/2014 09:20:11 AM	 View Image
OJS 236 Notice of Order		TROY , PAUL C	12/23/2014 09:20:11 AM	 View Image
OJS 236 Notice of Order		MURPHY, ROBERT J	12/23/2014 09:20:11 AM	 View Image
Order	ORAL ARGUMENT ON ALL OUTSTANDING MOTIONS SHALL OCCUR ON JANUARY 26, 2015 AT 2:00PM IN COURTROOM 11 DELAWARE COUNTY COURTHOUSE		12/23/2014 09:20:11 AM	 View Image
Praecipe to Withdraw	DEMAND FOR TRIAL BY JURY IS WITHDRAWN		12/23/2014 12:09:46 AM	 View Image
Receipt# 101624 generated for the amount of \$ 10.00			12/23/2014 02:05:58 PM	
OJS 236 Notice of Order	236 N/S 01/02/2015	LEWIS , JEFFREY P	12/31/2014 09:52:00 AM	 View Image
OJS 236 Notice of Order	236 N/S 01/02/2015	TROY , PAUL C	12/31/2014 09:52:00 AM	 View Image
Order	AMENDED ORDER IT IS HEREBY ORDERED THAT ALL OUTSTANDING MOTIONS SHALL OCCUR ON TUESDAY, JANUARY 20, 2015 AT 10:30 AM. (GREEN, J. 12/31/2014)		12/31/2014 09:52:00 AM	 View Image
OJS 236 Notice of Order	236 N/S 01/02/2015	MURPHY, ROBERT J	12/31/2014 09:52:00 AM	 View Image
Response	FRANK WILLIAMS, ESQUIRE, O'DONNELL, HAGNER AND WILLIAMS, P.C., AND WESTPORT INSURANCE COMPANY'S, RESPONSE TO PLAINTIFFS' MOTION FOR A CONTINUANCE		01/12/2015 02:05:03 PM	 View Image
Petition for Stay	PLAINTIFF'S MOTION FOR STAY		01/16/2015 01:13:39 PM	 View Image
Order Granting Stay of Bankruptcy Court	(GREEN, J. 236 N/S 01/30/15)		01/29/2015 02:22:00 PM	 View Image
OJS 236 Notice of Order			01/29/2015 02:22:50 PM	 View Image
OJS 236 Notice of Order		MURPHY, ROBERT J	01/29/2015 02:22:50 PM	 View Image
OJS 236 Notice of Order		LEWIS , JEFFREY P	01/29/2015 02:22:50 PM	 View Image
OJS 236 Notice of Order		TROY , PAUL C	01/29/2015 02:22:50 PM	 View Image

# **EXHIBIT “C”**

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW

ROBERT J. MURPHY

v.

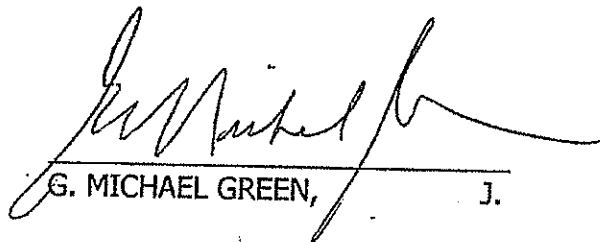
MICHELE FRANK, ROBERT MORRIS, ESQ.,  
MORRIS & CLEMM, P.C., FRANK WILLIAMS,  
ESQ., O'DONNELL, HAGNER & WILLIAMS,  
P.C., WESTPORT INSURANCE COMPANY

NO. 13-10207

**ORDER**

**AND NOW**, this 28<sup>th</sup> day of January, 2015, upon consideration of the notice of Chapter 11 Bankruptcy filed by November 14, 2014 in the United States Bankruptcy Court, Eastern District of Pennsylvania, it is hereby ORDERED and DECREED that the above-captioned matter is automatically stayed pursuant to 11 U.S.C.A. § 362(a)(1). It is further ORDERED that the parties shall notify the Delaware County Civil Court Administrator, if and when the stay is lifted.

BY THE COURT:

  
G. MICHAEL GREEN, J.

cc: Robert J. Murphy, Esquire  
Michele Frank, *pro se*  
Paul C. Troy, Esquire  
Jeffery P. Lewis, Esquire

# **EXHIBIT “D”**

Robert J. Murphy, Esq.  
Attorney I.D. No. 15555  
Law Offices of Robert J. Murphy  
2341 Pennsylvania Avenue  
Philadelphia, PA 19130  
(215) 567-5300  
*Attorney Pro Se*

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IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA  
CIVIL ACTION-EQUITY

Robert J. Murphy	:	NO. 2013-10207
Plaintiff	:	
V.	:	
Michele Frank	:	
A/K/A Michele Marinari	:	
and	:	
Robert Morris, Esq.	:	
Morris and Clemm, P.C.	:	
and	:	
Frank Williams, Esq.,	:	
O'Donnell, Hagner & Williams, P.C.	:	
and	:	
Westport Insurance Company	:	
Defendants	:	

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**PLAINTIFFS' INTERROGATORIES AND REQUEST FOR PRODUCTION OF  
DOCUMENTS DIRECTED TO ALL DEFENDANTS AND EACH OF THEM,  
INCLUDING MICHELE FRANK A/K/A MICHELE MARINARI, ROBERT MORRIS,  
ESQ., MORRIS AND CLEMM, P.C., FRANK WILLIAMS, ESQ., O'DONNELL,  
HAGNER & WILLIAMS, P.C. AND WESTPORT INSURANCE COMPANY,  
PURSUANT TO PA. R.C.P. 4001, 4003.1, 4003.2, 4003.3, 4003.4, 4003.5, 4005, 4006,  
4007.4, 4009.1, 4009.11**

Plaintiff, Robert J. Murphy, demands defendants, Michele Frank A/K/A Michele  
Marinari, Westport Insurance Company, Robert F. Morris, Esquire and Morris & Clemm, P.C. ,  
Frank Williams, Esquire and O'Donnell, Hagner & Williams, P.C. answer the following



interrogatories and request for production of documents within thirty (30) days from the date of service on all the foregoing captioned defendants on March 20, 2014 in accordance with the attached certificate of service incorporated herein. These interrogatories are continuing, and Defendants are required to supplement their answers pursuant to Pa. R.C.P. 4007.4 including as additional or different information and/or documents become known or available.

#### **DEFINITIONS**

A. "You" or "your" refers to Defendant(s) herein and to all other persons acting or purporting to act on behalf of Defendant(s), including agents, employees and attorneys.

B. "Communications" shall include but not limited to: all inquiries, discussions, conversations, transfers, obligations, negotiations, agreements, contracts, releases, invoices, fees, fee agreements, payments, checks, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse and/or electronic communications without limitation.

C. "Documents" shall mean all electric, written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, judgments, bank accounts, escrow accounts, deposits, transfers, obligations, payments, facsimiles, e-mail, memoranda, agreements, contracts, releases, minutes, notes, films, recordings, of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, payments, requisitions or material similar to any of the

foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access or other forms of records, documents, verbal and/or communicative intercourse and/or electronic communications without limitation.

D. "Persons" means an individual, corporation, partnership, trust, associations, company, organization, or any form of a business or commercial entity.

E. "Identify" when used with respect to an a defendant including any corporation, partnership or individual, means to state (1) their name; (2) business affiliation and official title and/or position; and (3) their last known residential and business address.

F. "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a statement and description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

G. "Identify" when used with respect to a company or other business entity, means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.

H. "Relate to" means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

I. This request is continuing up to and at the time of trial.

J. For purposes of the Rule, a statement shall include but not limited to all: (1) electronic, recorded, written statement, signed or otherwise adopted or approved by the person making it, or

(2) A stenographic, mechanical, electronic, videographic or other recording, or a transcript thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously and/or subsequently recorded recorded.

1. Identify the current and last known address and whereabouts of defendant Michele Frank A/K/A Michele Marinari (hereinafter Marinari).

2. Identify all communications and contacts among defendant Michele Frank A/K/A Michele Marinari with all defendants including Robert Morris, Esq., Morris and Clemm, P.C., Frank Williams, Esq., O'Donnell, Hagner & Williams, P.C. and Westport Insurance Company.

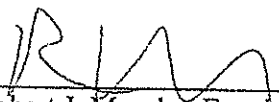
3. Identify all documents and communications including any and all judgments, settlements, contracts, fee agreements, releases, payments, checks, transfers, obligations and agreements by defendant, Marinari, with any and all defendants including Robert Morris, Esq., Morris and Clemm, P.C., Frank Williams, Esq., O'Donnell, Hagner & Williams, P.C. and Westport Insurance Company.

4. Identify whether any actions by Marinari against Frank Williams, Esq. and O'Donnell, Hagner and Williams, P.C. including but not limited to Marinari's action against Frank Williams, Esq. and O'Donnell, Hagner and Williams, P.C in the Delaware County Court of Common Pleas No. 2009-005606 were settled, discontinued and ended and all the circumstances surrounding the action including but not limited to any settlement, transfers, obligations and terms upon which the action was settled, discontinued or ended.

5. Identify in detail all communications and documents involving any proceedings or actions involving Marinari by or against anyone including plaintiff, Robert Murphy, and the judgment creditor, Goodman, and all communications and documents involving any foregoing actions involving Marinari.

6. Identify and produce all records and documents upon which your answers to the preceding interrogatories are based.

7. Identify all persons who were involved or participated in preparing your answers to all the foregoing interrogatories and production of documents.

BY:   
Robert J. Murphy, Esquire  
*Attorney Pro Se*



Robert J. Murphy, Esq.  
Attorney I.D. No. 15555  
Law Offices of Robert J. Murphy  
2341 Pennsylvania Avenue  
Philadelphia, PA 19130  
(215) 567-5300  
*Attorney Pro Se*

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IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA  
CIVIL ACTION-EQUITY

Robert J. Murphy	:	NO. 2013-10207
Plaintiff	:	
V.	:	
Michele Frank	:	
A/K/A Michele Marinari, et al	:	
Defendants	:	

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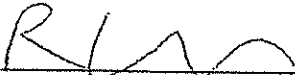
CERTIFICATE OF SERVICE

I, Robert J. Murphy, Esquire do hereby certify that plaintiffs' interrogatories and request for production of documents directed to all defendants and each of them, including Michele Frank a/k/a Michele Marinari, Robert Morris, Esq., Morris and Clemm, P.C., Frank Williams, Esq., O'donnell, Hagner & Williams, P.C. and Westport Insurance Company, pursuant to Pa. R.C.P. 4001, 4003.1, 4003.2, 4003.3, 4003.4, 4003.5, 4005, 4006, 4007.4, 4009.1, 4009.11 were served on all defendants' counsel and unrepresented parties via First Class Mail, Postage Prepaid on March 20, 2014 at the below listed addresses:

Michele Frank  
A/K/A Michele Marinari  
19 Homestead Lane  
Royersford, PA 19468

Eckert Seamans Cherin & Mellott, LLC  
Two Liberty Place  
50 South 16<sup>th</sup> Street, 22<sup>nd</sup> Floor  
Philadelphia, Pa 19102

Kane, Pugh, Knoell, Troy & Kramer, LLP  
Paul C. Troy, Esquire  
510 Swede Street  
Norristown, PA 19401  
Counsel for Robert Morris and Morris and Clemm, P.C.

BY:   
Robert J. Murphy, Esquire  
Attorney Pro Se

# **EXHIBIT “E”**

KANE, PUGH, KNOELL, TROY & KRAMER LLP

BY: **PAUL C. TROY, ESQUIRE**

ATTORNEY I.D. NO. 60875

510 SWEDE STREET

NORRISTOWN, PA 19401

(610) 275-2000

ATTORNEY FOR DEFENDANTS

ROBERT MORRIS, ESQUIRE

MORRIS & CLEMM, P.C.

ROBERT J. MURPHY

:

COURT OF COMMON PLEAS

:

DELAWARE COUNTY, PA

v.

:

:

MICHELLE FRANK, ROBERT MORRIS, ESQ., :

MORRIS & CLEMM, P.C., FRANK WILLIAMS, :

ESQ., O'DONNELL, HAGNER & WILLIAMS, :

P.C., WESTPORT INSURANCE COMPANY :

NO. 2013-10207

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**DEFENDANTS ROBERT MORRIS, ESQUIRE AND MORRIS & CLEMM, P.C.'S  
ANSWERS TO PLAINTIFF'S INTERROGATORIES**

Defendants Robert Morris, Esquire and Morris & Clemm, P.C. hereby answer and object to Plaintiff's Interrogatories as follows:

**GENERAL OBJECTIONS**

1. Defendants object to the propounded discovery requests to the extent that they seek documents or other information protected from discovery by the attorney-client privilege, the work product privilege, or other applicable privilege.

2. Defendants object to the propounded discovery requests to the extent that they attempt to expand and impose greater burdens than permitted or required by the Pennsylvania Rules of Civil Procedure.

3. Defendants object to the propounded discovery requests to the extent they seek the disclosure of documents or other information that are confidential.

4. Defendants object to the propounded discovery requests to the extent that they

seek information that is not relevant, and to the extent that they are not reasonably calculated to lead to the discovery of admissible evidence.

5. Defendants object to the propounded discovery requests to the extent that they are designed to cause unreasonable burden, annoyance, expense or harassment to Defendants and/or were propounded for an improper purpose.

6. Defendants object to the propounded discovery requests because they are vague, ambiguous and/or overbroad.

7. Defendants reserve the right, but do not hereby assume the obligation, to alter, amend or supplement these responses and objections as may be appropriate or necessary, in accordance with the Pennsylvania Rules of Civil Procedure.

8. Defendants object to the propounded discovery requests to the extent that they require Defendants to seek information and/or documents in the possession of another party or to which Plaintiff has equal access thereto.

9. Defendants object to the propounded discovery requests to the extent that they request information in the public domain that is equally available to all parties.

10. Defendants object to the propounded discovery requests to the extent that they are unreasonably cumulative or duplicative.

11. Defendants' responses are without waiver of Defendants' right to object to further discovery or to refuse to supplement these responses in the future.

12. Defendants reserve all objections that may be available to Defendants at any hearing or trial or upon any motion and to the use or admissibility of any answer and/or material produced.

13. The failure of Defendants to make a specific response to a particular discovery

request does not and shall not be construed as an admission that Defendants have information, knowledge, or belief in response thereto.

14. Defendants' responses shall not be construed as an admission as to the existence, relevance, or admissibility of any document or to the truth of the contents thereof.

The foregoing General Objections will be deemed to be continuing throughout the responses that follow, whether or not expressly referred to therein. The stating of addition or other specific objections shall not constitute a waiver or limitation of any of the General Objections.

#### **SPECIFIC ANSWERS AND OBJECTIONS**

1. Identify the current and last known address and whereabouts of defendant Michele Frank A/K/A Michele Marinari (hereinafter Marinari).

**ANSWER:** Objection. Defendants hereby object to this interrogatory on the basis that the information sought is protected by the attorney-client and/or work product privilege. Additionally, Defendants object to this discovery request to the extent it seeks the disclosure of documents or other information that are confidential. Defendants further object to this discovery request to the extent that it is designed to cause unreasonable burden, annoyance, expense or harassment to Defendants and/or was propounded for an improper purpose. Finally, Defendants object to this interrogatory to the extent that it attempts to expand and impose greater burdens than permitted or required by the Pennsylvania Rules of Civil Procedure.

2. Identify all communications and contacts among defendant Michele Frank A/K/A Michele Marinari with all defendants including Robert Morris, Esquire, Morris & Clemm, P.C., Frank Williams, Esquire, O'Donnell, Hagner & Williams, P.C., and Westport Insurance

Company.

**ANSWER:** Objection. Defendants hereby object to this interrogatory on the basis that the information sought is protected by the attorney-client and/or work product privilege. Additionally, Defendants object to this discovery request to the extent it seeks the disclosure of documents or other information that are confidential. Defendants further object to this discovery request to the extent that it is designed to cause unreasonable burden, annoyance, expense or harassment to Defendants and/or was propounded for an improper purpose. Finally, Defendants object to this interrogatory to the extent that it attempts to expand and impose greater burdens than permitted or required by the Pennsylvania Rules of Civil Procedure.

3. Identify all documents and communications including any and all judgments, settlements, contracts, fee agreements, releases, payments, checks, transfers, obligations and agreements by defendant, Marinari, with any and all defendants including Robert Morris, Esquire, Morris & Clemm, P.C., Frank Williams, Esquire, O'Donnell, Hagner & Williams, P.C., and Westport Insurance Company.

**ANSWER:** Objection. Defendants hereby object to this interrogatory on the basis that the information sought is protected by the attorney-client and/or work product privilege. Additionally, Defendants object to this discovery request to the extent it seeks the disclosure of documents or other information that are confidential. Defendants further object to this discovery request to the extent that it is designed to cause unreasonable burden, annoyance, expense or harassment to Defendants and/or was propounded for an improper purpose. Finally, Defendants object to this interrogatory to the extent that it attempts to expand and impose greater burdens than permitted or required by the Pennsylvania Rules of Civil Procedure.

4. Identify whether any actions by Marinari against Frank Williams, Esquire,

O'Donnell, Hagner & Williams, P.C. including but not limited to Marinari's action against Frank Williams, Esquire, O'Donnell, Hagner & Williams, P.C. in the Delaware County Court of Common Pleas No. 2009-005606 were settled, discontinued and ended and all the circumstances surrounding the action including but not limited to any settlement, transfers, obligations and terms upon which the action was settled, discontinued or ended.

**ANSWER:** Objection. Defendants hereby object to this interrogatory on the basis that the information sought is protected by the attorney-client and/or work product privilege. Additionally, Defendants object to this discovery request to the extent it seeks the disclosure of documents or other information that are confidential. Defendants further object to this discovery request to the extent that it is designed to cause unreasonable burden, annoyance, expense or harassment to Defendants and/or was propounded for an improper purpose. Defendants also object to this interrogatory to the extent that it attempts to expand and impose greater burdens than permitted or required by the Pennsylvania Rules of Civil Procedure. Finally, Defendants object to this interrogatory to the extent that it requests information in the public domain that is equally available to all parties

5. Identify in detail all communications and documents involving any proceeding or actions involving Marinari by or against anyone including plaintiff, Robert Murphy, and the judgment creditor, Goodman, and all communications and documents involving any foregoing actions involving Marinari.

**ANSWER:** Objection. Defendants hereby object to this interrogatory on the basis that the information sought is protected by the attorney-client and/or work product privilege. Additionally, Defendants object to this discovery request to the extent it seeks the disclosure of documents or other information that are confidential. Defendants further object to this discovery



request to the extent that it is designed to cause unreasonable burden, annoyance, expense or harassment to Defendants and/or was propounded for an improper purpose. Finally, Defendants object to this interrogatory to the extent that it attempts to expand and impose greater burdens than permitted or required by the Pennsylvania Rules of Civil Procedure.

6. Identify and produce all records and documents upon which your answers to the preceding interrogatories are based.

**ANSWER:** Objection. Defendants hereby object to this interrogatory on the basis that the information sought is protected by the attorney-client and/or work product privilege. Additionally, Defendants object to this discovery request to the extent it seeks the disclosure of documents or other information that are confidential. Defendants further object to this discovery request to the extent that it is designed to cause unreasonable burden, annoyance, expense or harassment to Defendants and/or was propounded for an improper purpose. Finally, Defendants object to this interrogatory to the extent that it attempts to expand and impose greater burdens than permitted or required by the Pennsylvania Rules of Civil Procedure.

7. Identify all persons who were involved or participated in preparing your answers to all the foregoing interrogatories and requests for production of documents.

**ANSWER:** Our attorneys, Paul C. Troy, Esquire and Ashley V. Trotter, Esquire of the law firm of Kane, Pugh, Knoell, Troy & Kramer, LLP assisted in the preparation of the foregoing objections to Plaintiff's discovery requests.

**KANE, PUGH, KNOELL, TROY & KRAMER, P.C.**

BY: \_\_\_\_\_  
PAUL C. TROY, ESQUIRE

## **DISCOVERY**

Months ago, Plaintiff served discovery requests on all Defendants, seeking information that is protected by the attorney-client and/or work product privilege. We served him with objections and Plaintiff has not taken any measures to strike those objections. We also filed a Motion for Protective Order, seeking to preclude any participation in discovery until after the Preliminary Objections were ruled upon. However, it was denied by Order dated July 10<sup>th</sup>.

April 10, 2015

July 13, 2015

## **DISCOVERY**

Months ago, Plaintiff served discovery requests on all Defendants, seeking information that is protected by the attorney-client and/or work product privilege. We served him with objections and Plaintiff has not taken any measures to strike those objections.

There is a clear dispute as to the appropriateness of Plaintiff's discovery and there are several motions pending before Court regarding these issues. We have not produced any documents or information responsive to his requests at this time nor will we until so directed by the Court. I have prepared a privilege log for the few documents that we are withholding.

The Williams Defendants have similar objections to Plaintiff's discovery. They are currently in the process of preparing a privilege log. It is taking quite some time, so I can only assume that it is extensive.

# **EXHIBIT “F”**

Robert J. Murphy, Esquire  
Law Offices of Robert J. Murphy, P.C.  
IDENTIFICATION NO. 15555  
2341 Pennsylvania Avenue  
Philadelphia, PA 19130  
(215)567-5300  
*Attorney Pro Se*

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**IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA  
CIVIL ACTION-EQUITY**

Robert J. Murphy  
Plaintiff

NO. 2013-10207

V.

Michele Frank, et al,  
Defendants

---

**ORDER**

And now, this                      day of January 2015, the hearing scheduled for  
January 20, 2015 at 10:30 a.m. in the captioned matter is cancelled pursuant to 11 U.S.C.A. 362  
and applicable law.

J. \_\_\_\_\_

G. Michael Green

Robert J. Murphy, Esquire  
Law Offices of Robert J. Murphy, P.C.  
IDENTIFICATION NO. 15555  
2341 Pennsylvania Avenue  
Philadelphia, PA 19130  
(215)567-5300  
Attorney Pro Se

---

IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA  
CIVIL ACTION-EQUITY

Robert J. Murphy  
Plaintiff

NO. 2013-10207

V.

Michele Frank, et al,  
Defendants

---

**PLAINTIFF'S MOTION FOR STAY**

Plaintiff hereby respectfully reiterates his requests the Court continue/stay the captioned matter including the deadlines in the Court's Case Management order and trial assignment dated August 22, 2014 including discovery and trial deadlines and in support thereof asserts the following.

1. As the parties and the Court are aware it is undisputed that defendant, Marinari, very recently filed for bankruptcy in the United States District Court for the Eastern District of Pennsylvania No. 14-19066-JKF. See e.g. defendant, Westport's, response to plaintiff's pending motion for continuance as a result of the foregoing bankruptcy, inter alia. Under the circumstances plaintiff unfortunately submits the captioned matter is subject to the automatic stay provided under the Bankruptcy Code and applicable law pursuant to 11 U.S.C.A. 362, inter alia. Accordingly plaintiff suggests that the hearing on pending motions scheduled for January

20, 2015 in the captioned matter must be stayed/continued pursuant to the foregoing provisions under the Code, inter alia.

Respectfully submitted,

Robert J. Murphy, Esquire

Pro Se

Robert J. Murphy, Esquire  
Law Offices of Robert J. Murphy, P.C.  
IDENTIFICATION NO. 15555  
2341 Pennsylvania Avenue  
Philadelphia, PA 19130  
(215)567-5300  
*Attorney Pro Se*

**IN THE COURT OF COMMON PLEAS OF  
DELAWARE COUNTY, PENNSYLVANIA  
CIVIL ACTION-EQUITY**

Robert J. Murphy  
Plaintiff

NO. 2013-10207

V.

Michele Frank, et al,  
Defendants

**CERTIFICATE OF SERVICE**

I Robert J. Murphy, Esquire do hereby certify that the original of Plaintiff's Motion for Stay in the captioned matter was filed with the Delaware County Court of Common Pleas Office of Judicial Support, via hand delivery on January 16, 2015 and true and correct copies thereof were served via fax and U.S. First Class United States mail, postage prepaid on the below listed parties on January 16, 2015.

The Honorable G. Michael Green  
Court of Common Pleas Delaware County  
Thirty-Second Judicial District  
Courthouse  
Media PA 19063

Eckert Seamans Cherin & Mellott, LLC

Joshua Kirsch, Esquire  
Two Liberty Place  
50 South 16<sup>th</sup> Street, 22<sup>nd</sup> Floor  
Philadelphia, Pa 19102

Kane, Pugh, Knoell, Troy & Kramer, LLP  
Paul C. Troy, Esquire  
510 Swede Street  
Norristown, PA 19401  
Counsel for Robert Morris and Morris and Clemm, P.C.

BY: 

Robert J. Murphy, Esquire  
*Attorney Pro Se*



# EXHIBIT “G”

Robert J. Murphy, Esquire  
Attorney I.D. No. 1555  
227 Brazilian Avenue  
Palm Beach, FL 33480  
*Attorney Pro Se*

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U.S. BANKRUPTCY COURT

EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)

IN RE MICHELE MARINARI : CASE NO. 2:14-BK-19066-JKF  
Judgment Debtor : Chapter 13

309 Conestoga Way  
Norristown, PA 19403  
Montgomery-PA  
P.O. Box 416  
Eagleville, PA 19408  
Montgomery-PA

Robert J. Murphy : Adv. Proc. No. \_\_\_\_\_  
227 Brazilian Avenue :  
Palm Beach, FL 33480 :  
Plaintiff/Judgment Creditor :

v. : JURY TRIAL DEMAND

Michele Frank a/k/a Michele  
Marinari  
309 Conestoga Way  
Norristown, PA 19403  
Montgomery-PA  
P.O. Box 416  
Eagleville, PA 19408  
Montgomery-PA  
Defendant/Judgment Debtor :

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**PLAINTIFF/JUDGMENT CREDITOR'S, ROBERT MURPHY'S,  
ADVERSARY COMPLAINT/PROCEEDINGS/OBJECTIONS TO  
DISCHARGEABILITY OF JUDGMENT DEBTOR'S, MICHELE FRANK A/K/A  
MICHELE MARINARI'S, JUDGMENT DEBT OWING TO ROBERT MURPHY**

**PURSUANT TO APPLICABLE LAW AND DECISIONS INCLUDING 11 U.S.C.A.  
SECTION 523 (a) (2) (A) (B)**

1. At all times material hereto, Plaintiff, judgment creditor, Robert J. Murphy, is an individual residing in Palm Beach, Florida at the above address with an office located at 7 Coopertown Road, Haverford, PA within the Eastern District of Pennsylvania and is the judgment creditor in the captioned bankruptcy matter and files the within adversary complaint/proceedings/objections to dischargeability pursuant to applicable law and decisions including 11 U.S.C.A. Section 523 (a) (2) (A) (B).
2. At all times material hereto, Petitioner/Defendant, Michele Frank a/k/a Michele Marinari (judgment debtor), is an individual purportedly currently residing at the above address and the defendant/judgment debtor in the civil action in the Delaware County Court of Common Pleas, Pennsylvania Docket No. 2004-14217 who filed a purported petition under the Bankruptcy Code, Chapter 13 on or about November 14, 2014 in bad faith in the United States Bankruptcy Court, Eastern District of Pennsylvania captioned: In re Michele Marinari Case No. 2:14-BK-19066-JKF Chapter 13.
3. At all times material hereto, the deadline for filing claims in the captioned bankruptcy matter is apparently May 13, 2015 with a scheduled objections to dischargeability on/or about March 27, 2015.
4. At all times material hereto, on or about November 24, 2004 plaintiff/judgment creditor, Robert Murphy, commenced a civil action against defendant, Mrs. Michele Frank a/k/a Michele Marinari, the judgment debtor, in the Delaware County Court of Common Pleas, Pennsylvania at No. 2004-14217 on the basis that the defendant/ judgment debtor, Michele Frank a/k/a Michele Marinari, obtained money and property and incurred a debt owing to Robert Murphy the judgment creditor by reason of continuous false pretenses, false misrepresentations and actual

fraud including but not limited to the judgment debtor's continuous knowingly false material misrepresentations intended to deceive and induce plaintiff to hire and pay judgment debtor to restore plaintiff's vintage 1969 SL Mercedes Benz to original showroom as new operating condition relied upon by Robert Murphy, judgment creditor, causing damages to him. See, e.g. a true and correct copy of judgment creditor's foregoing complaint which is attached hereto as Exhibit 1 and incorporated herein.

5. At all times material hereto, on or about September 13, 2006 after a full evidentiary hearing before the Delaware County Court of Common Pleas including testimony and review of all documents, the court entered a final judgment in the amount of \$35,000 in the civil action in the Delaware County Court of Common Pleas at No. 2004-14217 in favor of Robert Murphy, judgment creditor, and against defendant, Michele Frank a/ka/ Michele Marinari, judgment debtor, based on judgment debtor's foregoing continuous false pretenses, false misrepresentations and actual fraud including but not limited to the judgment debtor's, Michele Marinari's, continuous knowingly false material misrepresentations intended to deceive and induce plaintiff to hire and pay debtor to restore plaintiff's vintage 1969 SL Mercedes Benz to original showroom as new operating condition relied upon by judgment creditor, Robert Murphy, causing damages to him. Attached hereto is a true and correct copy of the foregoing 9/13/06 judgment as Exhibit 2.

6. At all times material hereto, the foregoing final judgment entered on September 13, 2006 in favor of Robert Murphy, judgment creditor, and against defendant, Michele Frank a/k/a Michele Marinari, judgment debtor, on the basis that the judgment debtor, Michele Frank a/k/a Michele Marinari, obtained money and property and incurred a debt/final judgment in the amount of \$35,000 owing to judgment creditor, Robert Murphy, by continuous false pretenses,

false misrepresentations and actual fraud including but not limited to the judgment debtor's continuous knowingly false material misrepresentations intended to deceive and induce plaintiff to hire and pay judgment debtor to restore plaintiff's vintage 1969 SL Mercedes Benz to original showroom as new operating condition relied upon by Robert Murphy, judgment creditor, causing damages to him is res judicata and/or collaterally estops and precludes judgment debtor, Michele Frank a/k/a Michele Marinari, from discharging Robert Murphy's foregoing judgment debt in the amount of \$35,000 pursuant to applicable law and decisions including 11 U.S.C.A. Section 523 (a) (2) (A) (B).

7. At all times material hereto, judgment creditor, Robert Murphy, objects to judgment debtor, Michele Frank a/k/a Michele Marinari, discharging the foregoing judgment debt incurred by reason of judgment debtor's continuous false pretenses, false misrepresentations and actual fraud including but not limited to the judgment debtor's continuous knowingly false material misrepresentations intended to deceive and induce plaintiff to hire and pay judgment debtor, Michele Frank a/k/a Michele Marinari, to restore plaintiff's vintage 1969 SL Mercedes Benz to original showroom as new operating condition relied upon by Robert Murphy, plaintiff/judgment creditor, causing damages to him pursuant to applicable law and decisions including 11 U.S.C.A. Section 523 (a) (2) (A) (B).

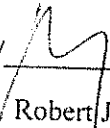
8. This Court has jurisdiction pursuant to 28 U.S.C.A. Section 157 (b) and Section 1334 and applicable law involving a core proceeding.

WHEREFORE, Robert Murphy, judgment creditor, objects to discharging judgement debtor's, Michele Frank a/k/a Michele Marinari's, foregoing judgment debt to plaintiff/judgment creditor, Robert Murphy, in the amount of \$35,000 plus interest incurred by reason of judgment debtor's, Michele Frank a/k/a Michele Marinari's, continuous false

pretenses, false misrepresentations and actual fraud and respectfully requests this Court enter an order denying judgment debtor's, Michele Frank a/k/a Michele Marinari's, discharge of judgment creditor's Robert Murphy's, foregoing judgment debt in the amount of \$35,000 plus interest, costs and attorney fees pursuant to applicable law and decisions including 11 U.S.C.A. Section 523 (a) (2) (A) (B) and /or such other relief as warranted in the interest of justice.

Respectfully submitted,

BY: /s/

  
Robert J. Murphy, Esq.  
*Attorney Pro Se*

# EXHIBIT 1

Robert J. Murphy, Esquire  
IDENTIFICATION NO. 15555  
2341 Pennsylvania Avenue  
Philadelphia, PA 19130  
(215) 567-5300  
Attorney for J.M.,  
Plaintiff

---

IN THE COURT OF COMMON PLEAS  
OF DELAWARE COUNTY, PENNSYLVANIA  
(CIVIL)

ROBERT J. MURPHY : NO. 04-14217  
7 Coopertown Road  
Haverford, PA 19041  
Plaintiff :

v. :

MR. & MRS. EVERITT FRANK, :  
HUSBAND H/W  
&  
D/B/A/ DENTS AND DETAILS/THE :  
WAX SHOP  
226 East Lancaster Avenue  
Wayne, PA 19087

Defendants :

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PLAINTIFF'S COMPLAINT, COUNT 1

1. Robert J. Murphy is an adult individual residing at the above address at 7 Coopertown Road Haverford, PA 19041.
2. At all times material hereto Defendants, Mr. and Mrs. Everitt Frank, husband and wife, doing business as Dents and Details and The Wax Shop, their predecessors, successors and assigns are individuals, partnerships and/or corporations with their principle place of business located at the above address and do business in and through the Commonwealth



- of Pennsylvania, County of Delaware including shipment of goods and services therein.
3. At all times material hereto Defendants, Mr. and Mrs. Everitt Frank, husband and wife, doing business as Dents and Details and The Wax Shop own, operate, maintain, possess and control the foregoing businesses including Dents and Details and The Wax Shop and/or The Wax Shop is successor in interest to Dents and Details located at the above address.
  4. At all times material hereto Defendants, above named, agreed to repair and restore Plaintiff's 1969 280-SL Mercedes Benz automobile to original showroom as new operating condition for the price of not more than \$20,000 in accordance with the agreement to that effect between Plaintiff and Defendant dated 2/21/02, a true and correct copy of which is attached hereto as Exhibit A.
  5. At all times material hereto Defendants, above named, their predecessors, successors and assigns also continuously orally agreed to comply with all the terms and conditions of the attached agreement to restore Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition through and including the present.
  6. At all times material hereto Plaintiff performed the terms of the attached agreement and paid Defendants and each of them \$20,000 in full and final payment of Plaintiff's obligations under the agreement.
  7. At all times material hereto, Defendants and each of them, have continuously breached the attached agreement and have failed to restore Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition and further failed to comply with the agreement, terms, conditions, warranties, and representations set forth therein as a result

of which Plaintiff has expended substantial additional money in excess of \$6,500 in an attempt to restore Plaintiff's 1969 blue 280-SL Mercedes Benz to original showroom as new operating condition and has and will in the future continue to expend additional monies therefore in excess of \$6,500 resulting from defendants' continuing breach of its obligations, terms, conditions, representations and warranties under the agreement and orally.

3. At all times material hereto and through and including April thru August 2004 Defendants and each of them continuously represented that Defendants would comply with all the terms, conditions and warranties set forth in the attached agreement including but not limited to repayment of all additional monies expended by Plaintiff in an attempt to restore Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition pursuant to work performed by other entities including Michael Tilson. However, Defendants have and continue to refuse to comply with contracts, terms, conditions, representations and warranties including repayment of all monies expended by Plaintiff in an attempt to restore Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition.
7. Defendants and each of them have continuously and fraudulently misrepresented to Plaintiff that it will comply with the agreement, terms, conditions, representations and warranties and restore Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition including but not limited to numerous telephone conversations on and after May 2004 to the present, including but not limited to repayment of all monies expended by Plaintiff in an attempt to restore Plaintiff's 1969 280-SL Mercedes

Benz to original showroom as new operating condition upon which Plaintiff relied, causing Plaintiff damages in excess of \$6,500.

10. Wherefore, Plaintiff claims compensatory and punitive damages in excess of \$20,000 and together with cost, counsel fees, interest and penalties

COUNT 2

11. Plaintiff incorporates herein by reference therefore as though fully set forth paragraphs 1 thru 10.
12. At all times material hereto, Defendants and each of them, their predecessors, successors and assigns represented, warranted, advertised and agreed to provide all necessary services to effectuate the foregoing agreements including but not limited to the attached agreement between Plaintiff and Defendants, including their predecessors, successors, assigns, agents, servants and representatives and each of them and as a result of Defendants foregoing breach of duties, representation, terms, conditions, warranties and contract, Plaintiff has suffered damages in excess of \$6,500 and will continue to suffer additional damages into the indefinite future.
13. At all times material hereto, Defendants and each of them are engaged in trade, commerce and business including the restoration of automobiles and provide, sell and distribute such services and property including but not to Plaintiff.
14. At all times material hereto, Plaintiff purchased the restoration services from Defendants and each of them primarily for Plaintiff's personal and family purposes and suffered an ascertainable loss of money and property rights including but not limited to damages and payments under the foregoing agreements, including the attached agreement, terms,

representations, conditions and warranties as a result of Defendants' breach of the foregoing contract, terms, conditions and warranties and as a result of the use and employment by Defendants and each of them of unfair, deceptive and unlawful methods, acts and practices in violation of the unfair trade practices and consumer protection law, 73 P.S. Sec 201-1 et seq. and Sec 2-(4) and 9.2 thereunder.

15. At all times material hereto, Defendants and each of them engaged in unlawful, unfair or deceptive methods, acts and practices including but not limited to the following causing the loss of Plaintiff's property rights, money and damages in breach of the foregoing specific written and oral contracts, warranties, terms, conditions and guarantees to effectuate the foregoing contract benefits to the Plaintiff in excess of \$6,500 expended by Plaintiff in an attempt to restore Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition and additional damages and expenditures into the indefinite future including but not limited to the following: a) breach and failure to comply with the terms of the foregoing specific oral and written agreements, representations, guarantees, terms, conditions and warranties with Plaintiff that Defendants and each of them would provide all necessary and adequate services to effectuate and ensure Plaintiff would receive the benefit of his bargain, including but not limited to restoration of Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition causing Plaintiff damages in excess of \$6,500 and continuing into the indefinite future in an attempt to restore Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition by other automotive restoration entities including but not limited to Michael Tilson, Inc; b) misrepresenting and causing the

likelihood of confusion or misunderstanding that the services provided by defendants and each of them would adequately comply with all the terms, conditions and warranties under the foregoing agreements and effectuate the agreements, terms, conditions, representations and warranties and provide specific benefits and approvals and were of a particular standard and quality to ensure Plaintiff would receive the benefit of his bargain in accordance with the foregoing specific oral and written agreements, terms, representations, conditions and warranties to restore Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition; c) deliberately and repeatedly breaching and failing to comply and effectuate all the foregoing written and oral agreements, terms, representations conditions and warranties including repayment of all the monies expended by Plaintiff including additional monies expended by Plaintiff in the future in order to restore Plaintiff's 1969 280-SL Mercedes Benz to original showroom as new operating condition .

16. Wherefore, Plaintiff demands damages including compensatory and punitive damages and treble damages as well as interest, costs and reasonable counsel fees in excess of \$20,000 against Defendants and each of them.

Respectfully submitted,

BY: 

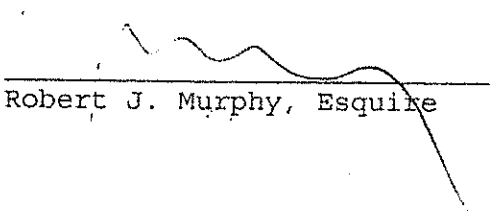
Robert J. Murphy, Esquire

Attorney for Plaintiff, Robert J. Murphy

V E R I F I C A T I O N

Robert J. Murphy, Esquire, hereby states that the allegations in the within complaint including attached exhibits and appendices are true and correct based on his personal knowledge, information and belief.

The undersigned understands that the statements herein are made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsifications to authorities.

  
\_\_\_\_\_  
Robert J. Murphy, Esquire

Date: 7/21/05


# EXHIBIT A

Agreement to Restore A Blue 280-SL Mercedes Benz  
1969 to Original Showroom/as New Operating Condition

It is hereby agreed by and between and Robert J. Murphy owner of a blue 1969 280-SL Mercedes Benz Convertible (hereinafter referred to as owner) and Everitt Frank doing business as The Wax Shop, 226 E. Lancaster Avenue, Wayne, PA (hereinafter referred to as contractor) that contractor (Mr. Frank) hereby covenants and agrees to provide all materials and perform all necessary work to restore owners' 280-SL Blue Mercedes Benz Convertible to its original showroom/as new operating condition for the agreed price of not less than \$11,500.00 nor more than \$20,000.00.

Without limitation to the foregoing, contractor agrees to provide all materials and perform all necessary work to restore owner's Blue 280-SL Mercedes Benz Convertible to its original showroom/as new operating condition including replacement and repair of all structural and mechanical parts of whatever kind or component including purchase and installation of a new original blue cloth Mercedes Convertible top. In accordance with this agreement, I acknowledge receipt of a check in the amount of \$6,765.00, \$6,500.00 of which proceeds are credited towards the full price herein of not more than \$20,000.00, the remaining \$265.00 had been paid for other services unrelated to this agreement. It is further agreed, that the payment schedule shall be as follows: the full agreed purchase price for the restoration of all body work to its original showroom/as new condition including all structural, interior and exterior work, new blue paint and installation of new original cloth convertible top shall be not less than \$11,500.00 nor more than \$15,000.00; all remaining work including repair, replacement and re-chrome of all chrome parts as well as the repair and replacement of all mechanical components to restore vehicle to its original/as new operating condition shall be not less than \$3,000.00 nor more than \$5,000.00. It is the expressed intent of the parties that the vehicle shall be restored to its original showroom/as new operating condition in every respect to the reasonable satisfaction of the owner. It is further agreed, that all work shall be completed on or before September 1, 2002 and that time is of the essence and a condition to this agreement. It is further agreed, that Mr. Everitt Frank doing business as The Wax Shop hereby expressly warrants that all work and materials in the performance of this agreement shall be free from all defects in workmanship and materials and that the vehicle shall be safe for its intended purpose for a period of five (5) years after completion of all work.

This agreement shall constitute the entire agreement between the parties hereto.

  
Mr. Everitt Frank, d/b/a The Wax Shop FEB 20 10/02



Robert J. Murphy  
7 Coopertown Road  
Haverford, PA 19041

DATE: 2/21/02

# EXHIBIT 2

COURT OF COMMON PLEAS  
DELAWARE COUNTY, PENNSYLVANIA

CASE CAPTION:

ROBERT J. MURPHY  
Plaintiff

vs.

MR. AND MRS. EVERITT FRANK, h/w  
d/b/a DENTS AND DETAILS / THE WAX  
SHOP  
Defendants

DOCKET NUMBER:

NO: 04-14217

CIVIL ACTION

OFFICE OF  
JUDICIAL SUPPORT  
DELAWARE CO. PA.

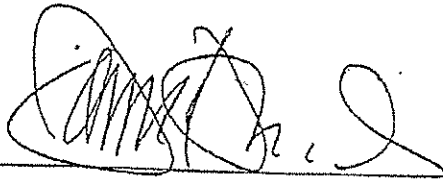
2006 SEP 13 PM 4:25

FILED CM

AND NOW, this 13<sup>th</sup> ORDER day of Sept, 2006, as the  
Defendants failed to appear for the arbitration hearing scheduled in the above captioned  
matter, and after a full evidentiary hearing that included testimony and review of all  
documents, and being that all parties were notified as required by Delaware County Local  
Rule 1303(A)(1)(iii), it is hereby ORDERED that a judgment is entered in favor of  
Plaintiff and against Defendants. Damages are awarded in the amount of

\$ 35,000.00

BY THE COURT:

  
J.